

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MICHAEL BROOKS

CIVIL ACTION NO. 02-0446

VERSUS

JUDGE DONALD E. WALTER

GLENN S. GOORD, ET AL.

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**O R D E R**

Before this Court is a Motion for New Trial [Doc. #75] filed by plaintiff, Michael Brooks (“Brooks”), pursuant to Federal Rules of Civil Procedure 50 and 59, wherein Brooks asserts that he is entitled to a new trial because the verdict was against the weight of the evidence.

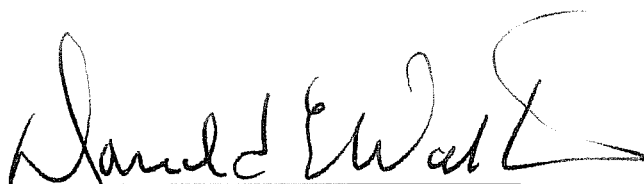
Judgment as a matter of law “may not be properly granted under Rule 50 unless the evidence, viewed in the light most favorable to the opposing party, is insufficient to permit a reasonable juror to find in [their] favor.” Galdieri-Ambrosini v. National Realty & Development Corp., 136 F.3d 276, 289 (2d Cir. 1998).

Federal Rule of Civil Procedure 59(a), which governs motions for new trial, has a less stringent standard than Rule 50, governing motions for judgment as a matter of law. See Manley v. AmBase Corp., 337 F.3d 237, 244 (2d Cir. 2003). Under Rule 59 (a), “a new trial may be granted even if there is substantial evidence to support the jury's verdict.” Song v. Ives Labs, Inc., 957 F.2d 1041, 1047 (2d Cir. 1992). Further, the district court is “free to weigh the evidence . . . and need not view it in the light most favorable to the verdict winner.” Id. (internal quotation marks omitted). However, for a district court to order a new trial under Rule 59(a), it must determine that “the jury has reached a seriously erroneous result or . . . the verdict is a miscarriage of justice, i.e., it must view the jury’s verdict as against the weight of the evidence.” Manley, 337 F.3d at 245 (internal

quotations and citations omitted).

This Court finds that, viewed in the light most favorable to defendants, the evidence is sufficient for a reasonable juror to have found in favor of defendants. This Court further finds that, even under the less stringent standard of Rule 50, the jury's verdict is not against the weight of the evidence. Accordingly, **IT IS ORDERED** that plaintiff's Motion for New Trial [Doc. #75] be and is hereby **DENIED**.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, this 10<sup>th</sup> day of October, 2007.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE